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October 25, 2021

VIA ECF

Hon. Mary Kay Vyskocil
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 2230
New York, New York 10007

Re: Ramirez v. Arbeni Management Company Inc. et al.
1:21-cv-02759-MKV

Dear Judge Vyskocil:

We represent Jahiro Ramirez, plaintiff in the above-referenced action, which arises, in part, from wage claims asserted under the Fair Labor Standards Act. We write jointly with defendants to request a final, four-day extension of the deadline for the parties to file their settlement agreement (the "Agreement") with an application for approval pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F. 3d 199 (2d Cir. 2015) ("*Cheeks*").

Pursuant to Your Honor's Order dated October 15, 2021 [ECF No. 68], the deadline for the parties to submit the signed Agreement, together with a *Cheeks* application, is today. We believe there is good cause for the Court to grant this request even though this request is not made 72 hours in advance of today's deadline, as is required by R. 2(G) of Your Honor's Individual Rules of Practice in Civil Cases.

Last week, all parties signed the Agreement. However, plaintiff's counsel, due to the illness of a family member, has been delayed in providing defendants' counsel with a draft *Cheeks* letter. By this morning, it became clear to all parties that plaintiff's counsel could not provide a draft letter in time for Defendants to review by the close of business.

For the reason set forth above, the parties jointly request that the deadline for submitting a *Cheeks* application, with the signed Agreement, be extended to this Friday, October 29, 2021.

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Previously, the Court entered two Orders (dated August 30, 2021 [ECF No. 64] and September 27, 2021 [ECF No. 66]), setting forth dates for conditional dismissal. The Court's subsequent Order, dated October 15, 2021 [ECF No. 68] struck the Order of August 30, 2021, and it set today as the deadline for the parties to submit their *Cheeks* Application.

The requested extension (*i.e.*, from October 25, 2021 to October 30, 2021) would not affect any other scheduled dates in this matter because the pretrial conference previously scheduled for October 5, 2021, was adjourned *sine die* by the Court (Dkt. 64]. This is the third request for an extension of this deadline.

We appreciate the Court's consideration of this request.

Respectfully submitted,

Rapaport Law Firm, PLLC

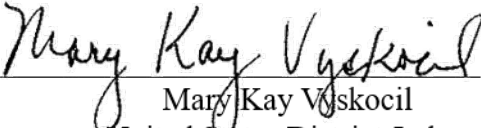
/s/

Marc A. Rapaport

cc: Counsel for All Parties (via ECF)

GRANTED. The parties shall file their joint application pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F. 3d 199 (2d Cir. 2015) for approval of the parties' settlement agreement on or before October 29, 2021. SO ORDERED.

Date: 10/25/2021
New York, New York


Mary Kay Vyskocil
United States District Judge